

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

THIRD EYE CAPITAL
CORPORATION,

Plaintiff,

v.

TODD MICHAEL CAPSER;
EDWARD MICHAEL CAPSER; and
JOHN DOES 1-5,

Defendants.

Cause No. CV 19-38-BLG-SPW-TJC

CONSENT ORDER

Upon the parties' joint stipulation (Doc. 36) and good cause appearing,

IT IS HEREBY ORDERED:

1. All pending deadlines, including but not limited to the March 17, 2021, Final Pretrial Conference and March 29, 2021, Trial are **VACATED**;
2. Counts I and III of Third Eye Capital's ("TEC") Complaint (Doc. 1 at ¶¶ 10-24, 31-36) are **DISMISSED without prejudice** as to defendant Edward Michael Capser but not as to defendant Todd Michael Capser;
3. Count II of TEC's Complaint (*id.* at ¶¶ 25-30) is **DISMISSED without prejudice**;
4. Edward Michael Capser's counterclaim against TEC and crossclaim against defendant Todd Michael Capser (Doc. 14 at ¶¶ 37-44) are **DISMISSED**

without prejudice;

5. Edward Michael Capser is **DISMISSED without prejudice** from this case as defendant, counterclaim plaintiff, and crossclaim plaintiff;

6. Judgment is entered against Todd Michael Capser as to liability on Count III of TEC's Complaint;

7. The remainder of this case is **STAYED** until the earlier of:

(a) the subject seafaring vessels are sold by TEC and the total loss can be determined by agreement of TEC and Todd Capser or by the Court in supplemental proceedings conducted for that purpose;

(b) Todd Michael Capser is sentenced and ordered to make full restitution to TEC; or

(c) this Court lifts the stay of this case on stipulation of the parties or on motion of any party for good cause shown.

8. TEC and Todd Michael Capser shall file a joint report on or before **May 10, 2021**, and every 90 days thereafter to apprise the Court of the status of the case and of the status Todd Michael Capser's criminal proceedings.

DATED this 11th day of February, 2021.


SUSAN P. WATTERS
United States District Judge